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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,715	10/16/2000	John J. Rofrano	SOM920000011US1	2993

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EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/688,715

Applicant(s)

ROFRANO, JOHN J.

Examiner

Mark A Fadok

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-14, 17-27, and 30-39 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rofrano in view of IBM Technical Disclosure.

In regards to claim 1, Rofrano discloses a system for an adaptive sales interview search technique for an electronic catalog, the system comprising:
a customer interface (col 1, lines 28-37);
a host system coupled to said customer interface through a network; wherein said host system provides in said electronic catalog products contained in a database (abstract), provides in said electronic catalog questions relating to said products to be presented to a customer using said electronic catalog (FIG 2), supplies in said electronic catalog likely answers of the customer linked to constraints relative to said products contained in said database (FIG 2), selects said electronic catalog questions in order of ranked importance (FIG 1), presents a highest ranked question (FIG 1), receives an answer to

said highest ranked question (FIG 2), applies said constraints based on said answer to said highest ranked question and limits product choices based on said answer to said highest ranked question (FIG 2); and
a database coupled to said host system (abstract).

Rofrano teaches ranking in a hierarchical manner, the questions and answers presented to a customer, and is sufficient to cover the claimed features as presented, however, in the interest of compact prosecution the applicant may argue that the method of Rofrano does not provide a separate listing in numerical order which according to the specification makes for easier manipulation of tree like structures. IBM Technical Disclosure teaches a simple encoding method for yielding a unique representation of data objects found in a hierarchical (tree like) structure. It would have been obvious to a person of ordinary skill in the art to include in Rofrano the data structure methods as taught by IBM Technical Disclosure, because this representation will assure fast and efficient processing of data.

In regards to claim 4, Rofrano teaches said host system determining a next highest ranked question based on said answer to said highest ranked question (FIG 1); said host system presenting said next highest ranked question (FIG 2); said host system receiving an answer to said next highest ranked question (FIG 2); wherein said host system applies said constraints based on said answer to said highest ranked question and said next highest ranked question (FIG 2); and wherein said host system limits said product choices based on answers to

said highest ranked question and said next highest ranked question (FIG 2).

In regards to claim 4, Rofrano teaches wherein said host system determining includes said host system searching for said next highest ranked question containing at least one relevant answer (FIG 1).

In regards to claim 4, Rofrano teaches wherein said host system searching includes said host system presenting said next highest ranked question if said next highest ranked question contains at least two relevant answers (FIG 2).

In regards to claim 7, Rofrano teaches wherein said host system receiving said answer comprises said host system receiving at least one answer from a plurality of predetermined answers (FIG 2).

In regards to claim 8, Rofrano teaches wherein each of said plurality of predetermined answers is relevant (col 3 line 36 – col 4, n line 67).

In regards to claim 9, Rofrano teaches wherein said host system searching includes: said host system determining whether said next highest ranked question contains one relevant answer (FIG 2); and

said host system applying said constraints based on said one relevant answer without presenting said next highest ranked question (FIG 2).

In regards to claim 10, Rofrano teaches said host system determining a new next highest ranked question based on

said answer to said next highest ranked question;

said host system iteratively repeating said host system presenting (FIG 2), said host system receiving, said host system applies and said host system determining for said

new next highest ranked question until said new next highest ranked question is not relevant (FIG 2); and

wherein said host system limits said product choices based on answers to said highest ranked question, said next highest ranked question and said new next highest ranked questions (FIG 2).

In regards to claim 11, Rofrano teaches wherein said host system determining includes said host system searching for said new next highest ranked question containing at least one relevant answer (FIG 2).

In regards to claim 12, Rofrano teaches wherein said host system searching includes said host system presenting said new next highest ranked question if said new next highest ranked question contains at least two relevant answers (FIG 1).

In regards to claim 13, Rofrano teaches wherein said host system searching includes: said host system determining whether said new next highest ranked question contains one relevant answer (FIG 2); and said host system applying said constraints based on said one relevant answer without presenting said new next highest ranked question (FIG 2).

In regards to claim 14, Rofrano discloses a method for an adaptive sales interview search technique for an electronic catalog including products contained in a database, questions relating to the products to be presented to a customer using the electronic catalog and likely answers of the customer linked to constraints relative to the products, the method comprising: selectively ranking said electronic catalog questions in order of

importance (FIG 1);
presenting a highest ranked question ((FIG 1);
receiving an answer to said highest ranked question (FIG 2);
applying said constraints based on said answer to said highest ranked
question (FIG 2); and limiting product choices based on said answer to said highest
ranked question (FIG 2). Rofrano teaches ranking the questions and answers presented
to a customer in a hierarchical manner, and is sufficient to cover the claimed features as
presented, however, in the interest of compact prosecution the applicant may argue that
the method of Rofrano does not provide a separate listing in numerical order which
according to the specification makes for easier manipulation of tree like structures. IBM
Technical Disclosure teaches a simple encoding method for yielding a unique
representation of data objects found in a hierarchical (tree like) structure. It would have
been obvious to a person of ordinary skill in the art to include in Rofrano the data
structure methods as taught by IBM Technical Disclosure, because this representation
will assure fast and efficient processing of data.

In regards to claim 17, Rofrano teaches wherein said receiving said answer
comprises receiving at least one answer from a plurality of predetermined answers (FIG
1).

In regards to claim 18, Rofrano teaches wherein each of said plurality of predetermined
answers is relevant (FIG 1).

In regards to claim 19, Rofrano teaches determining a next highest ranked question based on said answer to said highest ranked question (FIG 2); presenting said next highest ranked question (FIG 1); receiving an answer to said next highest ranked question (FIG 2); wherein said applying said constraints is based on said answer to said highest ranked question and said next highest ranked question (FIG 2); and wherein said limiting product choices is based on answers to said highest ranked question and said next highest ranked question (FIG 2).

In regards to claim 20, Rofrano teaches wherein said determining includes searching for said next highest ranked question containing at least one relevant answer (FIG 1).

In regards to claim 21, Rofrano teaches wherein said searching includes presenting said next highest ranked question if said next highest ranked question contains at least two relevant answers (FIG 1).

In regards to claim 22, Rofrano teaches wherein said searching includes: determining whether said next highest ranked question contains one relevant answer (FIG 1); and applying said constraints based on said one relevant answer without presenting said next highest ranked question (FIG 2).

In regards to claim 23, Rofrano teaches determining a new next highest ranked question based on said answer to said next highest ranked question (FIG 1); iteratively repeating said presenting, said receiving, said applying and said

determining for said new next highest ranked question until said new next highest ranked question is not relevant (FIG 2); and wherein said limiting product choices is based on answers to said highest ranked question, said next highest ranked question and said new next highest ranked questions (FIG 1).

In regards to claim 24, Rofrano teaches wherein said determining includes searching for said new next highest ranked question containing at least one relevant answer (FIG 1).

In regards to claim 25, Rofrano teaches wherein said searching includes presenting said new next highest ranked question if said new next highest ranked question contains at least two relevant answers (FIG 1).

In regards to claim 26, Rofrano teaches wherein said searching includes: determining whether said new next highest ranked question contains one relevant answer; and applying said constraints based on said one relevant answer without presenting said new next highest ranked question (FIG 2).

In regards to claim 27, Rofrano discloses a storage medium encoded with machine-readable computer program code for an adaptive sales interview search technique for an electronic catalog including products contained in a database, questions relating to the products to be presented to a customer using the electronic catalog and likely answers of the customer linked to constraints relative to the products, said storage medium including instructions for causing a processor to implement a method comprising: selectively ranking said electronic catalog questions in order of importance; presenting a highest ranked question; receiving an answer to said highest

ranked question; applying said constraints based on said answer to said highest ranked question; and limiting product choices based on said answer to said highest ranked question (See response to claims 1 and 14). Rofrano teaches ranking the questions and answers presented to a customer in a hierarchical manner, and is sufficient to cover the claimed features as presented, however, in the interest of compact prosecution the applicant may argue that the method of Rofrano does not provide a separate listing in numerical order which according to the specification makes for easier manipulation of tree like structures. IBM Technical Disclosure teaches a simple encoding method for yielding a unique representation of data objects found in a hierarchical (tree like) structure. It would have been obvious to a person of ordinary skill in the art to include in Rofrano the data structure methods as taught by IBM Technical Disclosure, because this representation will assure fast and efficient processing of data.

In regards to claim 30, Rofrano teaches wherein said receiving said answer comprises receiving at least one answer from a plurality of predetermined answers FIG 1).

In regards to claim 31, Rofrano teaches wherein each of said plurality of predetermined answers is relevant (FIG 1).

In regards to claim 32, Rofrano teaches including instructions for causing said processor to implement: determining a next highest ranked question based on said answer to said highest ranked question (FIG 2); presenting said next highest ranked question (FIG 2); receiving an answer to said next highest ranked question (FIG 2);

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wherein said applying said constraints is based on said answer to said highest ranked question and said next highest ranked question (FIG 2 and 1); and

wherein said limiting product choices is based on answers to said highest ranked question and said next highest ranked question (FIG 2).

In regards to claim 33, Rofrano teaches wherein said determining includes instructions for causing said processor to implement searching for said next highest ranked question containing at least one relevant answer (FIG 2).

In regards to claim 34, Rofrano teaches wherein said searching includes instructions for causing said processor to implement presenting said next highest ranked question if said next highest ranked question contains at least two relevant answers (FIG 1).

In regards to claim 35, Rofrano teaches wherein said searching includes instructions for causing said processor to implement:

determining whether said next highest ranked question contains one relevant answer (FIG 1); and applying said constraints based on said one relevant answer without presenting said next highest ranked question (FIG 2).

In regards to claim 36, Rofrano teaches including instructions for causing said processor to implement: determining a new next highest ranked question based on said answer to said next highest ranked question (FIG 2); iteratively repeating said presenting, said receiving, said applying and said determining for said new next highest ranked question until said new next highest ranked question is not relevant (FIG 2); and

wherein said limiting product choices is based on answers to said highest ranked question, said next highest ranked question and said new next highest ranked questions (FIG 2).

In regards to claim 37, Rofrano teaches wherein said determining includes instructions for causing said processor to implement searching for said new next highest ranked question containing at least one relevant answer (FIG 1).

In regards to claim 38, Rofrano teaches wherein said searching includes instructions for causing said processor to implement presenting said new next highest ranked question if said new next highest ranked question contains at least two relevant answers (FIG 1).

In regards to claim 39, Rofrano teaches wherein said searching includes instructions for causing said processor to implement:
determining whether said new next highest ranked question contains one relevant answer (FIG 1); and applying said constraints based on said one relevant answer without presenting said new next highest ranked question (FIG 2).

Claims 2,3,15,16,28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rofrano in view of IBM Technical Disclosure and further in view of Official Notice.

In regards to claims 2,3,15,16, 28 and 29, it is old and well known in the art to provide information on a Graphical User Interface and also presenting information using an

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audio device. It would be obvious to a person of ordinary skill in the art to include in Rofrano the GUI device along with an audio device, because this would allow for enhanced presentation of the information and provide a more useful user interface for presenting pertinent data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 305-7687 [Official communications; including


After Final communications labeled

"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.



Mark Fadok

Patent Examiner



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